

PROCLAMATION  
BY THE  
Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 17, 1977

As provided under the provisions of Section 14, Article IV of the Constitution of the State of Texas, I disapprove of S.B. 866 and am filing same with the Secretary of State setting forth the following objections:

I disapprove of Senate Bill No. 866 because it expands the arson and criminal mischief offenses to include some conduct that is not criminal under present law and to include other conduct that is adequately covered elsewhere in the penal law. Under present law, a person is guilty of arson when he starts a fire with the intent to damage or destroy a building or habitation with the intent to collect insurance for the resulting damage. Senate Bill No. 866 would expand the arson offense to cover setting fire to one's own personal property, and arson penalties would apply if the property is insured, even if the person did not intend to collect the insurance. Also, the bill would expand criminal mischief to cover intentional damage or destruction of one's own personal property by means other than fire or explosion if the property is insured, again without regard to whether the person intended to collect insurance or even knew that the property was insured.

Under present law a person who damages or destroys his own property for the purpose of defrauding an insurer, whether he does so by fire, explosion, or otherwise, is guilty of theft under Section 31.03, Penal Code, and the theft provisions adequately cover the fraudulent conduct without criminalizing one who has no intent to defraud an insurer or who does not even know the property is insured.

IN TESTIMONY WHEREOF, I have  
hereunto signed my name officially  
and caused the seal of the State  
of Texas to be affixed hereto at  
Austin, Texas, this 17th day of  
June, 1977.